

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**EIGHTY-SECOND LEGISLATIVE DAY**  
**FRIDAY, MARCH 28, 2003**

Senate Chamber

At the request of the President, Acting President Darrington called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Calabretta, Werk, and Williams, absent and formally excused by the Chair; and Senators Andreason, Malepeai, Marley, Noble, Noh, Pearce, Schroeder, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Alexey Chikanchi, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The President assumed the Chair.

Senators Andreason and Marley were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 27, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Noble was recorded present at this order of business.

March 7, 2003

The JUDICIARY AND RULES Committee reports that **S 1122**, as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1122**, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

March 27, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1149**, **S 1150**, **S 1151**, **S 1152**, and **S 1153** were delivered to the Office of the Governor at 11:15 a.m., March 27, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 27, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 144**, as amended, with the recommendation that it do pass.

ANDREASON, Chairman

**H 144**, as amended, was filed for second reading.

March 27, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1148** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **S 1148** was referred to the Fourteenth Order of Business, General Calendar.

March 27, 2003

The EDUCATION Committee reports out **S 1174** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1174** was filed for second reading.

March 27, 2003

The HEALTH AND WELFARE Committee reports out **H 17**, as amended, and **H 198**, as amended, with the recommendation that they do pass.

BRANDT, Chairman

**H 17**, as amended, and **H 198**, as amended, were filed for second reading.

March 28, 2003

The FINANCE Committee reports out **H 377** and **H 384** with the recommendation that they do pass.

CAMERON, Chairman

**H 377** and **H 384** were filed for second reading.

March 28, 2003

The AGRICULTURAL AFFAIRS Committee reports out **H 283**, as amended, with the recommendation that it do pass.

WILLIAMS, Chairman

**H 283**, as amended, was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

Senators Malepeai, Noh, and Pearce were recorded present at this order of business.

March 27, 2003

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1016, S 1043, S 1059, S 1060**, as amended, **S 1061, S 1064, S 1066, S 1067, S 1068, S 1074, S 1078, S 1085, S 1096, S 1099, S 1100, S 1101, S 1130**, as amended

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 28, 2003

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Coleen Grant of Boise, Idaho, was appointed as a member of the Idaho State Tax Commission to serve a term commencing March 8, 2003, and expiring March 8, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senators Schroeder and Stennett were recorded present at this order of business.

March 27, 2003

Mr. President:

I transmit herewith **HJM 10, H 335**, as amended, **H 336**, as amended, and **H 383**, and I return herewith **S 1166, S 1002**, as amended, **S 1028, S 1139, S 1097, S 1127, S 1119, S 1121, S 1108**, as amended, as amended, **S 1010**, as amended, **S 1079, S 1137**, and **S 1082**, which have passed the House.

JUKER, Chief Clerk

**HJM 10, H 335**, as amended, **H 336**, as amended, and **H 383** were filed for first reading.

**S 1166, S 1002**, as amended, **S 1028, S 1139, S 1097, S 1127, S 1119, S 1121, S 1108**, as amended, as amended, **S 1010**, as amended, **S 1079, S 1137**, and **S 1082** were referred to the Judiciary and Rules Committee for enrolling.

March 27, 2003

Mr. President:

I transmit herewith Enrolled **H 305, H 352, H 353, H 354, H 355, H 361, H 321, H 248**, and **H 313** for the signature of the President, and I return herewith Enrolled **S 1093, S 1123, S 1134, S 1154, S 1155, S 1156, S 1157, S 1158, S 1159**, and **S 1161**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 305, H 352, H 353, H 354, H 355, H 361, H 321, H 248**, and **H 313** and ordered them returned to the House.

Enrolled **S 1093, S 1123, S 1134, S 1154, S 1155, S 1156, S 1157, S 1158, S 1159**, and **S 1161** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Anna Jane Dressen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Davis, the Gubernatorial appointment of Anna Jane Dressen as a member of the Idaho Commission on Pardons and Parole was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

**HJM 10**, by Ways and Means Committee, was introduced, read at length, and referred to the Transportation Committee.

**H 335**, as amended, and **H 336**, as amended, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 383**, by Education Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**H 270**, **H 319**, and **H 326**, by Education Committee, were read the second time at length and filed for third reading.

**H 160**, as amended, and **H 167**, as amended, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**H 333**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 218**, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**H 177**, as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

**H 65**, as amended in the Senate, by Mr. Speaker, was read the second time at length and filed for third reading.

**H 301**, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

**H 169**, as amended, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**S 1133**, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

**H 302**, having previously been read the third time at length and debate having previously been opened, was placed before the Senate for final consideration at this time. Senators Ingram and Sweet arose as co-sponsors of the bill and re-opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet. Total - 28.

NAYS--Burtenshaw, Geddes, Little, Noh, Werk. Total - 5.

Absent and excused--Calabretta, Williams. Total - 2.

Paired and voting included in roll call:

AYE - Marley                      NAY - Werk

Total - 35.

Whereupon the President declared **H 302** passed, title was approved, and the bill ordered returned to the House.

**S 1169** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Burkett, Compton, Darrington, Davis, Gannon, Goedde, Ingram, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Stegner, Stennett, Werk. Total - 17.

NAYS--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Geddes, Hill, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Sweet. Total - 16.

Absent and excused--Calabretta, Williams. Total - 2.

Paired and voting included in roll call:

AYE - Werk                      NAY - McKenzie

Total - 35.

Whereupon the President declared **S 1169** passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Keough to the Chair.

**S 1170** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet. Total - 32.

NAYS--None.

Absent and excused--Calabretta, Werk, Williams. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1170** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 149**, having been held, retained its place on the Third Reading Calendar for one legislative day.

**H 269**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Goedde, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet. Total - 22.

NAYS--Bailey, Brandt, Davis, Gannon, Geddes, Hill, Little, McKenzie, Noble, Pearce. Total - 10.

Absent and excused--Calabretta, Werk, Williams. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 269**, as amended, passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 273** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Little and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet. Total - 32.

NAYS--None.

Absent and excused--Calabretta, Werk, Williams. Total -3.

Total - 35.

Whereupon the President declared **H 273** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 317** retained its place on the Third Reading Calendar for Tuesday, April 1, 2003.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 9 a.m., Monday, March 31, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary